

Seismic Activity and Structural Integrity of the BSL-3 Facility

LANL seismicity studies indicate that the Rendija Canyon fault runs through Technical Area (TA) 3, the proposed site of the BSL-3 facility. The Rendija Canyon fault has a potential of an earthquake up to 6.5 on the Richter scale.³⁹ The draft EA does not provide an analysis for seismic activity below 6.0 on the Richter scale, yet it has been indicated by LANL that uncertainties exist in the fault mapping of TA-3, where "subsurface faults could be undetected in the vicinity of the CMR [Chemical and Metallurgy Research] building ... [at soil depths] <2 ft for the zone beneath the building."⁴⁰ Another stratigraphy study conducted for the Strategic Computing Complex within TA-3 concluded that "A fault or faults with less than about 2 ft of stratigraphic separation might not be detected by the current data sets."⁴¹ These reports also indicate that there are reverse faults which feather out from the Rendija Canyon fault. Furthermore, there is the possibility that the Rendija Canyon fault is at a point where "the cumulative displacement of the Banderler Tuff on the fault is between 0 and 2 ft."⁴² LANL concludes that "TA-3 does have faults with vertical displacements in the range of 1 to 10 feet."⁴³

The draft EA is incomplete because it does not include a risk analysis of Rendija Canyon fault activity within the range of <6 on the Richter scale. An event with a 5 on the Richter scale has the potential to cause substantial structural damage to the proposed BSL-3 facility. This magnitude of an event must be examined, particularly for the proposed prefabricated alternative in which "The NNSA may choose to purchase and install ready-assembled prefabricated BSL-3 and BSL-2 modular units ..."⁴⁴ It is of the utmost importance that LANL do a comprehensive seismicity risk analysis using more realistic event probabilities for events < Richter 6 for the proposed prefabricated alternative.

The draft EA is also incomplete because it does not indicate whether either the prefabricated alternative or the full construction of the BSL-3 facility will meet safety standards for seismicity. A recent example of a LANL facility which failed to meet seismic codes was the Nuclear Materials Storage Facility (NMSF). The roof of the NMSF, which had a 2 to 3 feet of dirt placed on top of it, failed to meet seismic codes.

Furthermore, the draft EA is incomplete because it does not contain a detailed construction plan for the proposed BSL-3 facility. A detailed construction plan is required so that LANL can avoid design and construction deficiencies. Another recent and embarrassing example of poor design and construction can again be seen with the NMSF. After construction of the NMSF, LANL discovered that the docking bay for Safe and Secure Trailers transporting plutonium pits was found to be too

³⁹ Site-Wide Environmental Impact Statement for the Continued Operation of the Los Alamos National Laboratory, Volume 1, Chapter 4, Section 4.2.2.2, Table 4.2.2.2-1.

⁴⁰ "Stratigraphy and Geologic Structure at the Chemical and Metallurgy (CMR) Building, Technical Area 3, Los Alamos National Laboratory," p. 30.

⁴¹ "Stratigraphy and Geologic Structure at the SCC and NISC Building Sites, Technical Area 3, Los Alamos National Laboratory, New Mexico," p. 20.

⁴² *Ibid.*

⁴³ Site-Wide Environmental Impact Statement for the Continued Operation of the Los Alamos National Laboratory, Volume 1, Chapter 4, Section 4.2.2.2.

⁴⁴ Draft EA, p. 31.

narrow for the trailer doors to open. This blatant and embarrassing oversight by LANL caused LANL and the taxpayers some \$25 million. Had LANL chosen to occupy the NMSF, this problem would also have caused serious safety risks, not to mention security vulnerabilities. Therefore, a detailed design must be provided to the public so that LANL does not experience additional costly setbacks or jeopardize the workers and community it purports to protect.

Facility Safety and Operations

LANL historically has a poor safety record with the materials that it currently handles. On October 9, 2001, a DOE office cited LANL for numerous issues of non-compliance for its implementation of technical safety requirements for the Critical Assemblies LANL operates at the Los Alamos Critical Experiments Facility (LACEF) located at TA-18. The DOE office concluded in its letter of citation that LANL's failure to implement technical safety requirements demonstrated that "Continued violations ... indicate that the quality controls necessary to ensure compliance are not adequate," and concludes that "continued violations ... that are necessary to ensure safe operations of the Critical Assemblies could, if left uncorrected, lead to a more significant critical event."⁴⁵ NNSA activities at LACEF are another unique national security program, yet simple oversight of institutional safety requirements had grave potential to injure workers and the public. LANL was also found to be in non-compliance with the Clean Air Act for 6 consecutive years. LANL demonstrated an unwillingness to correct this dangerous non-compliance until a citizen lawsuit resulted in a court order that forced them to do so.

More recently LANL's Bioscience division (B-division), the future operators of the proposed BSL-3 facility, admitted that they had a shipping incident. On October 26, 2001, a package arrived at the B-division which was marked virulent anthrax. B-division does not currently have a facility that is equipped to handle or contain strains of virulent anthrax. Had the package been improperly marked and opened, virulent anthrax would have entered the facility with potentially deadly consequences to workers.⁴⁶

The draft EA also asserts that "There have been no reported incidents at LANL related to the shipment of biological samples."⁴⁷ This is an egregious misstatement of fact, even prior to the October 26, 2001 event. In February 2001 the DOE Office of Inspector General (IG) reported that "A Los Alamos Principal Scientist told [the IG] that the laboratory shipping and receiving department received a shipment of select agent DNA with crushed inner and outer containers."⁴⁸ Had there been virulent anthrax or another select agent within this damaged package, workers at LANL or US mail carriers may have been exposed. Such an exposure could have had deadly results.

Though B-division representatives insist that operations at the proposed BSL-3 facility will be safe, the evidence points to many flaws in LANL's safety preparedness which need to be comprehensively addressed in the EA.

⁴⁵ Personal Correspondence to John Browne, Director, LANL, from R. Keith Christopher, DOE, Director, Office of Price-Anderson Enforcement, October 9, 2001. <http://is.ch.nnsa.gov/enforce/eis/ellan110090L.htm>

⁴⁶ "Gleitch Prompts Review of How DNA Samples Are Sent to Lab," *Albuquerque Journal*, November 21, 2001.

⁴⁷ Draft EA, p. 47.

⁴⁸ "Inspection of Department of Energy Activities Involving Biological Select Agents," February 2001, DOE Office of Inspector General, report No. DOE/IG 0492, p. 19.

adequately address work with biological etiologic agents.⁵⁴ The IBC must play an integral role the planning and design of the BSL-3 if it is to determine adequacy of the proposed BSL-3 facility safety and security, yet this cannot be accomplished if the required safety and security documents do not exist.

LANL has also, in the past, used documents that are not specific to the handling of biological organisms to determine safety requirements. The LANL Biological Safety Officer stated that on August 13, 2001, prior to the approval of DOE Notice 450.7, that "at this point in time there are no [DOE] orders that are specific to biological select agents."⁵⁵ Additionally, the DOE Office of Inspector General found that the LANL Biological Safety Officer's division "had not conducted the required assessments and evaluations of the laboratory's biosafety program."⁵⁶ This is a very disturbing fact that not only puts into question safety procedures within LANL, but also suggests a poor safety review process within the LANL IBC, the very institution that is responsible for determining the adequacy of biological safety procedures at LANL. Before LANL can continue construction of its proposed BSL-3 facility, the DOE must institute a very specific set of guidelines. Those guidelines must include specific functions and responsibilities of IBCs at DOE facilities. The guidelines also must address specific procedures for the creation of hazard control plans and other safety analysis and must state when and who are to prepare those plans/analysis and must be so specific as to address requirements for hazard control plans for every individual biological agent that the DOE plans to research. Requirements for specific hazard control plans and safety analysis are vital because of the many different risks posed by different biological agents. They are also vital because hazard control plans will be used to determine the level of response to an accident within the laboratory.

2. Emergency Preparedness

The draft EA claims that "LANL occupational medicine and the local medical community would be informed of the microorganisms to be handled in the BSL-3 laboratories and would be aware of the methods of identification and control of associated diseases"⁵⁷ This does not fully address the complex issues of local emergency response. LANL is obligated to ensure that local emergency response teams are properly trained to identify a patient's symptoms in order to determine whether those symptoms correspond to organisms at the proposed BSL-3. LANL is obligated to provide all the appropriate equipment, medicine, and facilities that would be needed for local medical personnel to handle and treat patients exposed to those organisms. LANL is also obligated to inform local emergency response teams and medical personnel when they are conducting research on a specific agent, what that agent is, to verify that adequate training has been conducted in the event of an emergency, and to verify that the local medical facilities have the capability to handle an emergency should an accident occur. This means that complete transparency is required between the local medical community and LANL. Furthermore, at least one member of the local medical community who is not affiliated with LANL must at all times be sitting in the Institutional Biosafety Committee.

⁵⁴ "The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities," DOE Notice 450.7, October 17, 2001.

⁵⁵ Personal Correspondence to Colin King, NWNM, from Dina Sassone, Biological Safety Officer, ES&H-5, LANL, August 13, 2001.

⁵⁶ DOE/IG 0492, p. 15.

⁵⁷ Draft EA, p. 24.

Institutional Biosafety Committee

The Institutional Biosafety Committee (IBC), now required by DOE Notice 450.7, must be a completely transparent organization. LANL says that "LANL's Institutional Biosafety Committee (IBC), which includes both subject matter experts (SMEs) and independent peers is the key to biosafety at LANL."⁵⁸ The Implementing Requirements go on to say that "This panel of SMEs and independent peers in biosafety and public health shall provide assurance to Laboratory management, employees, and members of the public that due care is being exercised for operations involving bioagents/biohazards. The existence and composition of the IBC shall be governed by NIH guidelines and shall include researchers from divisions that perform work involving biological operations, occupational medicine and industrial hygiene personnel, community health care providers, and at least two members of the community not associated with the institution or the work."⁵⁹

If LANL is to find acceptance of the proposed BSL-3 facility within the local communities LANL must create an atmosphere of complete transparency for its biological research program. That transparency includes strict compliance with the above Implementing Requirements. Such a transparent environment can only be enhanced by maintaining an autonomous IBC composed of all interested parties. The IBC must always have final decision making powers that supersede all decisions within LANL, NNSA, or the DOE. The IBC must be structured in such a way that members of the general public may petition for a place on the committee. The IBC must always have at least a minimum of 2 members of the general public as well as appropriate members of the local emergency response teams and medical community. The IBC must meet on a monthly basis and their meetings must always remain open to the public. The minutes of the IBC must be posted on the B-division web site in a timely fashion. If these conditions are not met by LANL, all biological work conducted at LANL will become shrouded in secrecy which will only instill further distrust among the public.

Terrorism Risk Analysis

The draft EA claims that "Scenarios involving a deliberate terrorist attack are not considered and evaluated in the same way as potential accidents in a NEPA analysis. These latter events lend themselves to a conventional approach of qualitative or quantitative analyses of probability and consequence, so that the Federal Manager, and members of the public, can see the residual risks posed by the activity to the workers, public, and the environment as required by NEPA."⁶⁰ In light of the terrible events of September 11, 2001 and those that followed, a "conventional approach" is not a valid method to determine the risks associated with a facility that will be conducting research on biological agents "historically used for bioweapons."⁶¹ The events of 9/11 demonstrated that terrorists will use very unconventional methods to achieve their goals. Not only is it necessary to assess perimeter security as part of a terrorist risk scenario, but it is also an absolute necessity to assess unconventional risks such as the use of commercial airliners as weapons against facilities like

⁵⁸ Laboratory Implementing Requirements 402-550-00.1, Section 1, p. 1.

⁵⁹ *Ibid.*, Section 6.1, p. 5.

⁶⁰ Draft EA, p. 74.

⁶¹ *Ibid.*, p. vii.

the proposed BSL-3 laboratory. Such analyses would comprise worst case scenario, but the events of the past two months demonstrate that a worst case may be a very probable case. The risk analyses provided in the draft EA is grossly inadequate. LANL perimeter security and its security forces have failed on a number of occasions to protect high risk areas at the laboratory during mock terrorist attacks. The BSL-3 facility, because it handles biological agents "historically used for bioweapons," is immediately at risk to a deliberate terrorist attack designed to penetrate and capture inventories of the microorganisms at the facility. The EA must include a comprehensive risk analysis of a direct assault on the BSL-3 laboratory and must describe measures LANL will undertake to minimize that risk.

"Accident scenarios," the draft EA claims, "usually envisioned for DOE facilities, that would normally be seen to exacerbate or enhance a release of spread of the hazardous materials, would for the BSL-3 facility potentially render these materials innocuous (heat, fire, and wind). These are not applicable for work with microorganisms and would usually result in microorganisms being killed. Consequently, catastrophic events such as earthquake, fire, explosions and airplane crashes, normally considered as initiating events in DOE accident analyses, were viewed as having the potential to reduce the consequences of release."⁶²

The risk analyses, as provided in the draft EA, appear to consider events that happen during daylight hours when microorganisms released from the proposed BSL-3 facility would be quickly killed by ultraviolet (UV) light.⁶³ Structurally damaging earthquakes, that have the potential to cause containment breaches, are just as likely to occur during the night when no UV rays exist as they are during the day. It is also known that anthrax and anthrax spores survive in windy conditions and once released from their containment can become airborne. The dismissive language under the draft EA's accident scenario also suggests that only explosions or aircraft crashes that occurred within or impacted on the facility were considered. What appears to not have been considered are explosions or aircraft crashes in proximity to the proposed BSL-3 facility that would only cause structural damage, but not fire, which would cause a containment breach. This is a dangerous oversight and a comprehensive accident analysis needs to be conducted for such a scenario. Such scenarios do not have "the potential to reduce the consequences of releases." In the post September 11th world, facilities such as the BSL-3, which are potential terrorist targets or house materials of use to terrorists, risk analysis must be conducted in the most complete and unorthodox manner.

Shipping and Receiving

For shipping and receiving biological select agents and materials, the draft EA says that "Samples could only be shipped to LANL by commercial package delivery services, the U.S. Postal Service, other authorized entity, or delivered to the receiving area from an originating point within LANL by a designated LANL employee acting as a courier."⁶⁴ The draft EA continues to state that "Current estimates are that shipments to and from LANL would be about 10 to 60 per month."⁶⁵ That is compared to "4 in and 2 out per month now."⁶⁶

⁶² *Ibid.*, p. 69.

⁶³ *Ibid.*, p. 61.

⁶⁴ *Ibid.*, p. 27.

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

Such an increase in the volume of shipments containing biological agents to and from LANL greatly increases the chances of accidents. As stated above, there have already been a couple of reported shipping incidents. These incidents have occurred when the volume of shipments have been substantially lower than they would be if the proposed BSL-3 facility were constructed. LANL must demonstrate that it has developed and implemented a hazard control plan to address potential incidents related to the receipt of biological organisms. In February 2000, the DOE's Office of Inspector General found that such a plan was lacking.⁶⁷ Such a plan must be implemented immediately, before further consideration of the proposed BSL-3 can move forward. The lack of a hazard control plan for shipping and receiving is a serious oversight, and the potential for a greater number of accidents related shipping and receiving will be undoubtedly increased with the proposed increase in shipments.

The increase in shipments also increases the vulnerability of packages containing biological agents to terrorist seizure. U.S. Department of Transportation regulations require that the exterior shipping containers holding biological materials, while in transit, be appropriately marked with the red "bio-hazard" symbol. The name of the organism must also be marked. Because these packages are easily identified by their external packaging, they are at risk from terrorists who might attempt to seize the package while it is in transit. This also puts the carrier, whether it is the U.S. Postal Service (USPS) or another entity, at risk. This is a threat that extends much further than LANL, and must be considered by all appropriate agencies. Careful planning and coordination must be conducted by LANL, NNSA, and the DOE with the carriers. Such an effort must also include the labor unions who are responsible for the safety and security of the work forces for the effected carriers.

Individual employees of carriers, including the USPS, are also at risk to damaged packages containing biological agents. The un-preparedness of the USPS and the CDC to quickly respond to the recent cases of anthrax exposure has been dimly demonstrated. If the proposed BSL-3 facility is truly being built for national security reasons, then LANL, NNSA, and DOE must extensively aide agencies, such as the USPS, to develop their own safety and security measures.⁶⁸

Unregulated Microorganisms

LANL proposes in the draft EA that it "... could handle other bacterial or viral infectious organisms not specifically or currently regulated by CDC or other Federal agencies ..."⁶⁹ The draft EA continues by saying that "Only by prior approval of the LANL Institutional Biosafety Committee (IBC), and after a risk analysis is conducted, would any infectious agent be considered for use in the proposed laboratories."⁷⁰ Given the apparent present lack of hazard control plans and adequate safety analyses of the proposed BSL-3 facility, which points to a fundamental lack of preparedness

⁶⁷ DOE/IG 0492, p. 19.

⁶⁸ On October 30, 2001, Bill Burrus, Executive Vice President of the American Postal Workers Union, testified to the Senate Governmental Affairs Committee that "The United States Postal Service accounts for approximately 8 percent of America's Gross Domestic Product." Ensuring the safety of the hundreds of thousands of USPS employees and the security of such an important part of the American economy is without doubt a matter of national security. "Burrus Takes Message of Pride and Concern to U.S. Congress," *News Service*, American Postal Workers Union, Volume XXXI, No. 29.

⁶⁹ Draft EA, Appendix B-1, p. 4.

⁷⁰ *Ibid.*

or capability of the IBC, which is responsible for these safety plans, how can LANL justify the suggestion that they will safely study organisms unregulated by Federal agencies? What microorganisms would this include and would they potentially be emerging infectious diseases? The draft EA's claim that the BSL-3 facility could study unregulated organisms cannot be justified without examining potential risks associated with those studies in the EA. The EA must also indicate the names of microorganisms that may be considered for research. Furthermore, the IG's interpretation of NEPA would require an additional NEPA review for these organisms. In its February 2000 report, the IG states that "... although a NEPA review had been conducted by Sandia-NM of the original scope of work ... significant changes, [as the] introduction of the select agent *Y. pestis EI/76*, had been made without an additional NEPA review."⁷¹ According to this interpretation of the NEPA process, LANL must conduct a NEPA review, a public process, each time it introduces a new biological agent for research in any of its facilities.

Respectfully submitted,

Jay Coghlan
Director

Colin King
Research Director

⁷¹ DOE/IG 0492, p. 23.

ATT31397.txt

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Jay Coghlan
Director

Elizabeth R. Withers
NEPA Compliance Officer
US Department of Energy
Los Alamos Area Office
528 35th Street
Los Alamos, NM 87544

November 27, 2001

Dear Ms. Withers:

I understand that the US Department of Energy is building a new BSL-3 biodefense lab at Los Alamos National Laboratory near Santa Fe, New Mexico. In that regard I am writing to request a copy of the "predecisional draft environmental impact assessment," (EIS) that describes the lab and its work in some detail.

Please mail the EIS to me. My address is [REDACTED]

Sincerely,



David Isenberg

November 26, 2001

Ms. Elizabeth Withers
NEPA Compliance Officer
Office of Environment
528 35th Street
Los Alamos, NM 87544

Re: Predecisional Draft Environmental Assessment - DOE/EA-1364
"Proposed Construction and Operation of a Biosafety Level 3
Facility at Los Alamos National Laboratory"

Dear Ms. Withers:

The predecisional draft Environmental Assessment (EA) for the proposed Biosafety Level 3 (BSL-3) Facility at Los Alamos National Laboratory (LANL) will not support a finding of no significant impact. The Department of Energy (DOE) and National Nuclear Security Administration (NNSA) did not complete a full analysis of the environmental and human health impacts of the proposed facility in the EA. In addition, the BSL-3 was not included in the Site-wide Environmental Impact for Continued Operation of the LANL; therefore, DOE/NNSA must prepare a full Environmental Impact Statement with opportunity for public comment and public hearing.

There are many unknowns and uncertainties in the draft EA. These include an incomplete analysis of the human health risks where DOE/NNSA proposes using LANL's past experience with BSL-1 and BSL-2 laboratories to assign risk because "information on human health effects specifically related to BSL-3 laboratories located in the United States is not tracked in any formal manner...." Other unknowns and uncertainties include where the BSL-3 waste would be disposed of, a complete seismic activity analysis, and increased transportation risk analysis for the communities along the transportation routes.

The 21-day comment period is too short for a complete review of the large EA. I request a 120-day comment period on the EA.

Sincerely, David Page

David Page
Name

[REDACTED]
City, State, ZIP

11-28-01

Dear Ms. Withers,

Handwritten signature: Mary Lou Cook

I submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

- The granted comment period was inadequate in length given a 21-day deadline that wasn't adequately notified and publicized, the complexity of the issues, the lack of availability of critical DOE supporting documents and numerous public (and two congressional) requests to extend the comment period.
- The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, has already implemented a multi-facility Chemical and Biological National Security Program. Pursuant to the National Environmental Policy Act (NEPA), the NNSA should prepare a programmatic environmental impact statement for that program, which could include a facility-specific analysis of the proposed LANL BSL-3 facility.

- The seriousness of the issues related to the proposed LANL BSL-3 facility and demonstrated "significant public interest" require that a more comprehensive environmental impact statement be prepared. This should occur within the context of broader programmatic review.
- Given that the Centers for Disease Control and Prevention (CDC) must approve of procedures used in NNSA biological research activities, the DOE should designate the CDC as a "cooperating agency" in both programmatic and facility-specific NEPA reviews.
- The purpose and need for LANL's proposed BSL-3 facility must be more clearly stated in a final environmental impact statement. Additionally, the need for "transparency measures" needs to be institutionalized so that the facility cannot be construed as being in support of offensive weapons.
- Seismic risks must be more comprehensively analyzed for the proposed facility locations.
- Hazard control plans and safety and risk analyses, which are presently inadequate or simply don't exist, must be fully developed.
- Local emergency response and medical teams need to be adequately trained and kept informed of facility operations.
- The Draft EA repeatedly refers to the Institutional Biosafety Committee (IBC) as an overseer of proposed facility operations and states that two members of the public sit on that committee. The IBC charter, which mandates public involvement, must be fully complied with.
- Credible terrorist risk analyses have not been done. This is inexcusable in the wake of the 9.11 and anthrax attacks. A final environmental impact statement should address these all-too-real risks.
- The stated plans to ship either attenuated or live biological select agents through the U.S. Postal Service is unacceptable because of potential safety and terrorist risks. A final environmental impact statement must designate other transportation options such as secure federal couriers.
- The draft EA inadequately discusses research on federally unregulated microorganisms. If such research is to be conducted, additional review under NEPA is required. To the extent possible, a final environmental impact statement should address this issue.

Respectfully submitted,

Handwritten signature: Mary Lou Cook

Santa Fe, NM 87502

Ms. Elizabeth Withers, NEPA Compliance Officer

DOE/LA00

528 35th Street

Los Alamos, NM 87544

Fax: ; E-mail:

Dear Ms. Withers,

I submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

- The granted comment period was inadequate in length given a 21-day deadline that wasn't adequately notified and publicized, the complexity of the issues, the lack of availability of critical DOE supporting documents and numerous public (and two congressional) requests to extend the comment period.
- The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, has already implemented a multi-facility Chemical and Biological National Security Program. Pursuant to the National Environmental Policy Act (NEPA), the NNSA should prepare a programmatic environmental impact statement for that program, which could include a facility-specific analysis of the proposed LANL BSL-3 facility.
- The seriousness of the issues related to the proposed LANL BSL-3 facility and demonstrated "significant public interest" require that a more comprehensive environmental impact statement be prepared. This should occur within the context of broader programmatic review.
- Given that the Centers for Disease Control and Prevention (CDC) must approve of procedures used in NNSA biological research activities, the DOE should designate the CDC as a "cooperating agency" in both programmatic and facility-specific NEPA reviews.
- The purpose and need for LANL's proposed BSL-3 facility must be more clearly stated in a final environmental impact statement. Additionally, the need for "transparency measures" needs to be institutionalized so that the facility cannot be construed as being in support of offensive weapons.
- Seismic risks must be more comprehensively analyzed for the proposed facility locations.
- Hazard control plans and safety and risk analyses, which are presently inadequate or simply don't exist, must be fully developed.
- Local emergency response and medical teams need to be adequately trained and kept informed of facility operations.
- The Draft EA repeatedly refers to the Institutional Biosafety Committee (IBC) as an overseer of proposed facility operations and states that two members of the public sit on that committee. The IBC charter, which mandates public involvement, must be fully complied with.
- Credible terrorist risk analyses have not been done. This is inexcusable in the wake of the 9.11 and anthrax attacks. A final environmental impact statement should address these all-too-real risks.
- The stated plans to ship either attenuated or live biological select agents through the U.S. Postal Service is unacceptable because of potential safety and terrorist risks. A final environmental impact statement must designate other transportation options such as secure federal couriers.
- The draft EA inadequately discusses research on federally unregulated microorganisms. If such research is to be conducted, additional review under NEPA is required. To the extent possible, a final environmental impact statement should address this issue.

Respectfully submitted,



Shelby Miller
Karin Wikstrom-Miller

Withers, Elizabeth

From: sasha[SMTP] [REDACTED]
Sent: Wednesday, November 28, 2001 2:31 PM
To: Withers, Elizabeth
Subject: Biolab commentary

11/28/01
Ms. Elizabeth Withers, NEPA Compliance Officer
DOE LAO
528 35th Street
Los Alamos, NM 87544
[REDACTED]

Dear Ms. Withers,

- I submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL.
- o The granted comment period was inadequate in length given a 21-day deadline that wasn't adequately notified and publicized, the complexity of the issues, the lack of availability of critical DOE supporting documents and numerous public (and two congressional) requests to extend the comment period.
 - o The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department of Energy, has already implemented a multi-facility Chemical and Biological National Security Program. Pursuant to the National Environmental Policy Act (NEPA), the NNSA should prepare a programmatic environmental impact statement for that program, which could include a facility-specific analysis of the proposed LANL BSL-3 facility.
 - o The seriousness of the issues related to the proposed LANL BSL-3 facility and demonstrated "significant public interest" require that a more comprehensive environmental impact statement be prepared. This should occur within the context of broader programmatic review.
 - o Given that the Centers for Disease Control and Prevention (CDC) must approve of procedures used in NNSA biological research activities, the DOE should designate the CDC as a "cooperating agency" in both programmatic and facility-specific NEPA reviews.
 - o The purpose and need for LANL's proposed BSL-3 facility must be more clearly stated in a final environmental impact statement. Additionally, the need for "transparency measures" needs to be institutionalized so that the facility cannot be construed as being in support of offensive weapons.
 - o Seismic risks must be more comprehensively analyzed for the proposed facility locations.
 - o Hazard control plans and safety and risk analyses, which are presently inadequate or simply don't exist, must be fully developed.
 - o Local emergency response and medical teams need to be adequately trained and kept informed of facility operations.
 - o The Draft EA repeatedly refers to the Institutional Biosafety Committee (IBC) as an overseer of proposed facility operations and states that two members of the public sit on that committee. The IBC charter, which mandates public involvement, must be fully compiled with.
 - o Credible terrorist risk analyses have not been done. This is inexcusable in the wake of the 9/11 and anthrax attacks. A final environmental impact statement should address these all-too-real risks.
 - o The stated plans to ship either attenuated or live biological select agents through the U.S. Postal Service is unacceptable because of potential safety and terrorist risks. A final environmental impact statement must designate other transportation options such as secure federal couriers.
 - o The draft EA inadequately discusses research on federally unregulated microorganisms. If such research is to be conducted, additional review under NEPA is required. To the extent possible, a final environmental

impact statement should address this issue.
Respectfully submitted,
Sasha Pufe [Redacted]

December 29, 2001

Ms. Elizabeth Withers
Compliance Officer
Office of Los Alamos Site Operations
528 35th St.
Los Alamos, NM 87544

Dear Ms. Withers:

We'd like to offer our comments regarding the proposed BioLevel 3 lab construction in Los Alamos.

- Despite designed-in safeguards in construction and planned operation, Los Alamos' past track record in its handling of nuclear materials gives us little confidence in its ability to safely control and contain some of the most dangerous biological substances known to man.
 - Hiding biolabs away from any public scrutiny and oversight is frightening. We believe the United States recently backed out of the Bioweapons Convention, which allowed for verification and inspection of such facilities. At minimum, independent oversight (say, by U.N. inspectors) is critical.
- Unfortunately, no part of these hearings addresses the fundamental fallacy that biolab research like this will ever protect us from the potentially infinite variety of genetically manipulated bioagents being created by this very type of research. This type of activity merely leads to an escalation in bioweapons research with no possible end in sight.

Thank you for your consideration.

Sincerely,
John and Diane Forsdale
John and Diane Forsdale

Cc: Representative Tom Udall

November 29, 2001

Ms. Elizabeth Withers, NEPA Compliance Officer
DOE/LAEO
528 35th Street
Los Alamos, NM 87544

Via Facsimile: 505/667-9998

Dear Ms. Withers,
I submit the following comments on the draft Environmental Assessment (EA) (DOE/EA-1364) for the Proposed Biological Safety Level (BSL)-3 Laboratory at LANL:

A 21-day comment period is woefully inadequate given the complexity of this issue, the fact that the public was not given adequate notice, the lack of availability of critical DOE supporting documents and numerous public (and two congressional) requests to extend the comment period.

Since the issues related to the proposed LANL BSL-3 facility have tremendous impact on our local environment a more comprehensive environmental impact statement within the context of a broader programmatic review should be required for this project. Also, there is no designation of the role the CDC will play in either programmatic or facility-specific NEPA reviews.

A full environmental impact statement would require that LANL fully address the purpose and need for this proposed BSL-3 facility. I strongly believe that the public needs this information in a free and democratic society. The BSL-3 should never be construed as being in support of offensive weapons.

Seismic risks must be more comprehensively analyzed. And complete hazard control plans as well as safety and risk analyses, which are presently inadequate or don't exist, must be fully developed along with adequate training and notification procedures of emergency responders.

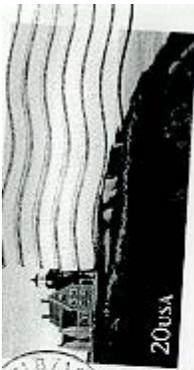
In light of the warnings of Attorney General Ashcroft it is imperative that a complete terrorist risk analyses be done. A final environmental impact statement should address these all-too-real risks. The stated plans to ship either attenuated or live biological select agents through the U.S.

Postal

Service is appalling in light of recent events that underscore the potential safety and terrorist risks. A final environmental impact statement must designate other transportation options such as secure federal couriers.

Respectfully submitted,

Richard Lee Johnson



02 JAN -9 11:10:37

Ms. Elizabeth Withers
Office of Environment
528 35th St.

Los Alamos, NM 87544

4+2201

12-30-01

Dear Ms. Withers, to
I am writing to
strongly oppose placing a
bio safety level 3 facility
at the Los Alamos site. I
It is inconceivable that
biological weapons could
be good for anyone or in
any way promote harmony
and life on this or
any planet. A descending
"violence is a descending
spiral, begetting the very thing
it seeks to destroy." Norman
Baker King
Biological destruction is
planetary
M. Crawley
NITE

Dec. 31, 2001

Ms. Elizabeth Withers
Office of Environment
528 35th Street

Lee Alaman, NM 87544

Dear Ms. Withers,

As a patriotic North American citizen, I want you to know that I am adamantly opposed to the construction of a facility in Lee Alaman or anywhere in the world for the testing of biological weapons.

It is hypocritical of the Defense Dept. and U.S. govt. to withdraw from peace-making treaties, condemn other nations for the possession of biological & nuclear weapons and then use the Sept 11 tragedy to militarize the US & the world. I oppose building a biosafety facility anywhere.

Sincerely,
Patricia M. Cornick
Sister of Letters

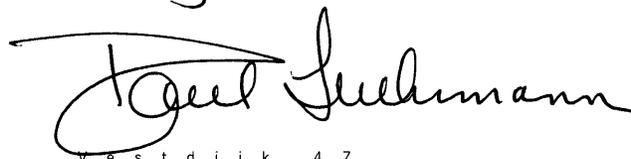


I would like to officially comment that I would prefer that LPA Omnis Natural Labs does not proceed with expanding their biological studies, especially on these biooical agents.

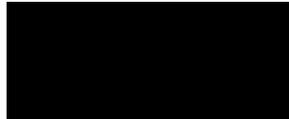
I feel that a full environment assessment is needed and it will support the non-completion of this laboratory.

I have concerns for safety and containment of these biooical agents.

Sincerely,



V e s t d i j k 4 7



26 Dec/01
Peter Cummings

→
To Mr. Corey Cruz (Acting Director)

As a "down-winder" in Santa Fe, I am requesting very strongly, (and from a place of fear, knowing of the periodic releases from your facility on top of the hill), for a full Environmental Impact Statement with regard to the proposed Bio Laboratory at Los Alamos.

Please hear my voice too. The vast majority of people down here share my convictions.

Thankyou
- Peter Cummings